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APPENDIX

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Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-6160

LAWRENCE MITCHELL,

Petitioner,

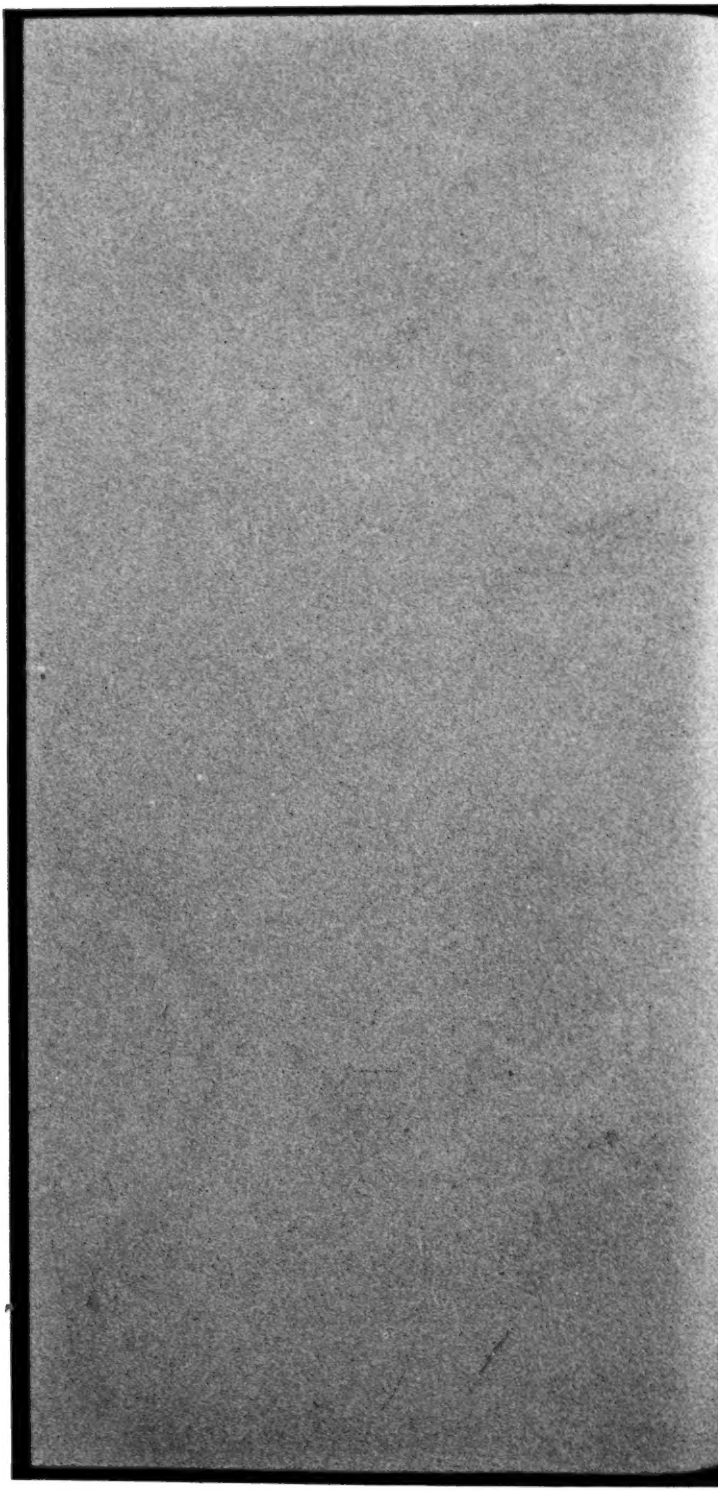
—v.—

W. T. GRANT COMPANY,

Respondent

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF LOUISIANA

PETITION FOR CERTIORARI FILED FEBRUARY 5, 1973
CERTIORARI GRANTED MAY 14, 1973



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LAWRENCE MITCHELL, PETITIONER

v.

W. T. GRANT CO., RESPONDENT

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

February 2, 1972, plaintiff W. T. GRANT's original petition, affidavit, claim for $574.17 and bond filed in First City Court for the City of New Orleans, State of Louisiana.

February 2, 1972, plaintiff's petition for writ of sequestration grant by First City Court.

February 2, 1972, citation and writ of sequestration issued by clerk of First City Court.

February 7, 1972, date stamp on Constable's return unsigned and crossed out.

February 18, 1972, constable of First City Court executed writ of sequestration by seizing the household goods and served petition and citation.

March 3, 1972, defendant MITCHELL's motion to dissolve the writ of sequestration filed, asserting *inter alia* the denial of due process of law in violation of 14th Amendment of the United States Constitution.

March 14, 1972, hearing on motion to dissolve writ of sequestration, stipulation of counsel, pleadings, and oral argument in First City Court.

March 16, 1972, judgment entered dismissing defendant's motion to dissolve the writ of sequestration.

March 16, 1972, request for written opinion entered by defendant.

March 16, 1972, reasons for judgment issued by First City Court.

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

March 20, 1972, defendant's notice of intention to apply for writs to the Court of Appeal, Fourth Circuit, State of Louisiana filed in First City Court.

March 21, 1972, defendant's petition to the Fourth Circuit for supervisory writs filed.

March 27, 1972, plaintiff's opposition with memorandum filed in Fourth Circuit.

March 28, 1972, judgment of Fourth Circuit entered, refusing petition of defendant.

April 13, 1972, defendant's notice of intention to apply for supervisory writs to the Louisiana Supreme Court filed in First City Court.

April 20, 1972, defendant's petition to the Louisiana Supreme Court for supervisory writs filed.

April 26, 1972, plaintiff's opposition with memorandum filed in Louisiana Supreme Court.

September 29, 1972, defendant's original brief to the Louisiana Supreme Court.

November 6, 1972, opinion and judgment of the Supreme Court of Louisiana entered, affirming lower court decision.

November 21, 1972, defendant's petition for rehearing to the Louisiana Supreme Court filed.

December 11, 1972, judgment of Louisiana Supreme Court entered, refusing to consider petition of defendant for rehearing.

February 5, 1973, defendant's petition for writ of certiorari docketed by the United States Supreme Court.

May 14, 1973, defendant's petition for writ of certiorari and motion to proceed *In Forma Pauperis* granted by the United States Supreme Court.

FIRST CITY COURT FOR THE CITY OF NEW ORLEANS
STATE OF LOUISIANA

Number: 148-848

[Filed: Feb. 2, 1972, /s/ [Illegible], Deputy Clerk]

W. T. GRANT COMPANY

VS.

LAWRENCE MITCHELL

The petition of W. T. GRANT COMPANY, plaintiff herein, a New York corporation, domiciled and/or doing business in the CITY OF NEW ORLEANS, with respect shows:

1. LAWRENCE MITCHELL, of legal age and a resident of ORLEANS PARISH, is indebted unto your petitioner in the full sum of $574.17 together with legal interest thereon from judicial demand, until paid.

2. Petitioner sold and delivered unto said defendant

8/5/69	One Bradford Refrigerator and One Bradford Range		$427.21
1/23/71	One Used Stereo	$52.95	
4/9/71	One Bradford Washer	$264.95	

on (See Above), against the purchase price of which there is still past due and owing $574.17, as shown by the intemized statement hereto annexed, no part of which has been paid.

3. Defendant is not in the armed service of the United States or its allies.

4. Petitioner has a vendor's lien and privileges on the said merchandise, and fears that said defendant will encumber or alienate same during pendency of these proceedings, and that a writ of sequestration is necessary to protect plaintiff's interest in the matter.

WHEREFORE, petitioner prays for citation to defendant, and after due proceedings had, for judgment in

its favor and against defendant in the amount of $574.17, with legal interest thereon from due date, and all costs of these proceedings; that a writ of sequestration issue herein ordering the Constable of this court to sequester the above described merchandise; that in the judgment rendered herein petitioner's vendor's lien be recognized and maintained.

And for all general and equitable relief, etc.

FAVRET AND FAVRET

By /s/ Marshall J. Favret
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STATE OF LOUISIANA
PARISH OF ORLEANS

Jerry Dunnegan, sworn, says that he is Credit Manager of plaintiff herein; that all of the facts contained in the foregoing petition are true and correct; that petitioner has reason to fear and believe that the said defendant, Lawrence Mitchell will encumber, alienate or otherwise dispose of the merchandise described in the foregoing petition during the pendency of these proceedings, and that a writ of sequestration is necessary in the premises.

/s/ Jerry Dunnegan
JERRY DUNNEGAN

Sworn to and subscribed before me this 2nd day of Feb., 1972.

/s/ J. Paul Demares
Notary Public

ORDER

Let, as prayed for, a writ of sequestration issue herein, and let the Constable of this court sequester and take into his possession the articles of merchandise described in the foregoing petition, upon plaintiff furnishing bond in the amount of $1,125.00 dollars.

New Orleans, Louisiana, this 2nd day of February, 1972.

/s/ Arthur J. O'Keefe
Judge